

HCS SB 469 -- COURT PROCEDURES

SPONSOR: Bartle (Byrd)

COMMITTEE ACTION: Voted "do pass by consent" by the Committee on Judiciary by a vote of 18 to 0.

This substitute changes various provisions relating to court procedures. In its main provisions, the substitute:

- (1) Amends the statute on time computation in civil cases to exactly match the corresponding Supreme Court rule;
- (2) Amends the process for filling vacancies of any unexpired term on the executive council of the judicial conference;
- (3) Allows for legislative continuances in court during special and veto sessions and during interim committee assignments;
- (4) Eliminates, effective January 1, 2004, any requirement that petitioners for protection orders provide their Social Security numbers on petitions or case documents, although courts may require petitioners to provide the number on confidential case sheets;
- (5) Allows a party to a contested case with a state agency to apply to a court for enforcement of a subpoena. Current law allows only the agency to seek court enforcement. The substitute also allows the agency or any party to intervene in an enforcement action;
- (6) Removes the requirement that a transcript judgment be filed with the circuit clerk before a judgment entered by an associate division of the circuit court becomes a lien on real property;
- (7) Requires, beginning July 1, 2004, that the names on the master jury list be chosen from certain source lists. The names of potential jurors on the list are public record;
- (8) Deletes the requirement that the summons in a landlord-tenant action be sent to the defendant by certified mail;
- (9) Modifies the types of case dispositions that must be reported to the Missouri Uniform Law Enforcement System records;
- (10) Requires that, after January 1, 2004, circuit clerks in nonpartisan court plan circuits be appointed by a majority of the circuit and associate circuit judges of that circuit and be removable for cause by a majority of judges. The circuit clerk

in office on January 1, 2004, will continue to hold that office as if appointed under these provisions. Under current law, circuit clerks are elected;

(11) Establishes an exception to the jury disqualification rule (a person is disqualified from serving as a juror if that person is unable to read, speak, and understand English) when the person's disability is due to a vision, speech, or hearing impairment which can be adequately compensated for through the use of auxiliary aids or services;

(12) Requires individuals obtaining a school bus driver permit to submit two sets of fingerprints to the State Highway Patrol. The first is used to search the criminal history repository, and the other is forwarded to the Federal Bureau of Investigation. The applicant must pay the records check fees; and

(13) Increases the homestead exemption from \$8,000 to \$15,000.

FISCAL NOTE: Estimated Net Effect on Criminal Record System Fund of a cost of \$368,915 in FY 2004, an income of \$25,989 in FY 2005, and an income of \$25,918 in FY 2006. Estimated Net Income to Statewide Court Automation Fund of \$3,708,333 in FY 2004, \$4,450,000 in FY 2005, and \$0 in FY 2006. Estimated Net Cost to Highway Fund of \$6,360 in FY 2004, \$0 in FY 2005, and \$0 in FY 2006.

PROPOSERS: Supporters say that the bill removes redundancy and confusion from various court procedure provisions and otherwise updates the laws.

Testifying for the bill were Senator Bartle; and Office of State Courts Administrator.

OPPOSERS: There was no opposition voiced to the committee.

Julie Jinkens McNitt, Legislative Analyst